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RIGHTS OF THE CHILD

Sale of children

Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1992/76

Addendum

Visit by the Special Rapporteur to Australia

GE.93-10552 (E)

I. INTRODUCTION

1. The Special Rapporteur on the Sale of Children, Mr. Vitit Muntarbhorn, was invited by the Australian Government to pay a two-week visit to Australia beginning on 18 October 1992. The Special Rapporteur visited various parts of the country, including Cairns, Alice Springs, Darwin, Perth, Sydney, Melbourne, Canberra and Brisbane. During this period, he consulted both governmental and non-governmental organizations and concerned individuals on issues pertaining to his mandate, namely the sale of children, child prostitution and child pornography. He also visited various projects at the field level and established a dialogue with children and youths in a number of communities so as to reflect their views in this report.

2. The Special Rapporteur warmly thanks the Australian Government and people that met him during the visit for the open and fruitful dialogue. It is hoped that this report will contribute to the national and local discussions to promote and protect the rights of the child, in view of Australia's recent accession to the Convention on the Rights of the Child. The Special Rapporteur had full and free access to all of the organizations and individuals he sought to meet during his stay.

3. Two constraints should be noted in the preparation of this report. First, the short period of the visit meant that the time available for information gathering was limited. Secondly, the multiplicity of laws, policies and practices ranging from the federal level to the State level 1/ posed a considerable challenge to both the collection and collation of relevant information.

A. Overview

4. "Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commomwealth and 6 States - New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania." 2/

5. This provides a clue to the array of jurisdictions which are of concern to this report. In addition to the federal system and the various States mentioned, one should note that the Federal Government is responsible for Australian territories not classified as States. These comprise the Northern Territory (which has a degree of self-government) and other territories, including the Australian Capital Territory, Jervis Bay Territory, Australian Antarctic Territory, Norfolk Island, Cocos (Keeling) Island and Christmas Island. There are also a number of uninhabited territories, namely the Territory of Ashmore and Cartier Islands, the Coral Sea Islands Territory and the Territory of Heard Island and McDonald Islands.

6. The population is nearly 16,000,000, with some 22 per cent (approximately 3,480,000) born overseas. 3/ The Aboriginal and Torres Strait Islander peoples, Australia's indigenous people, constitute some 1.5 per cent of the total population. Although British migrants have been the predominant group of settlers, the number of new arrivals has declined in recent years. Many other European countries have also been sources of migrants, although their numbers have diminished recently. During the past two decades, an increasing

number of Asian migrants has arrived in the country. The range of peoples and groups indicates the presence of a multicultural society. This setting implies that a "general" appraisal of children's rights in Australia may not be sufficient. As the realities facing children differ per group, a more target-specific appraisal would highlight the varying conditions in a pluralistic context.

7. At the outset, it should be noted that Australia enjoys a high ranking internationally in terms of its development process and human rights record. The UNDP Human Development Report 1991 conferred upon the country a "high freedom ranking" in regard to the human rights situation in the country. 4/ In the UNDP Human Development Report 1992, Australia is classified as a member of the richest 20 per cent of the world community, with a gross national product per capita of US$ 15,360. 5/ It is also placed high in the human development index, ranking seventh globally in terms of longevity, educational attainment and income. 6/

8. This picture should be qualified for a variety of reasons. The country has suffered from a recession with rising unemployment in recent years. In 1990-1991, the unemployment rate was estimated at 8.8 per cent. 7/ This has had particular impact on the country's youth with negative social consequences:

> " Youth unemployment has been occurring at unprecedented levels throughout the 1980s and early 1990s, peaking during periods of recession. Unemployment impacts upon young females harder than it does upon young males; both the rate and duration of unemployment is higher for females. ... Unemployment among youth has been linked to involvement in juvenile crime, substance abuse together with a range of poor health outcomes." 8/

9. The country's general high development ranking should not obscure the plight of many families and children who are economically deprived. Poverty remains a key challenge, as indicated by the following:

> "500,000 children below the poverty line, based upon 1990 estimates.
>
> 50 per cent of families headed by women now live in poverty.
>
> Of the children in substitute care in Western Australia, 50 per cent are from single parent families and 82 per cent from low income families." 9/

10. The linkage between poverty, homelessness and children's rights was emphasized in 1989 by a national report Our Homeless Children as follows:

> "Poverty is highly correlated with social isolation, alcoholism, drug abuse and domestic violence. When these factors are present, there is a greater incentive for young people to leave home and subsequently be at risk of homelessness." 10/

11. Economic needs, family pressures, domestic violence, social disintegration and homelessness take their toll in relation to children and young people. They may also push the latter into various activities, such as prostitution and pornography, which are tantamount to the exploitation of children.

12. Although by comparison with many other countries, there is extensive welfare legislation, social welfare and social security to counter many of the social deprivations noted, the application of welfare measures has not always been positive. It has often resulted in too much State intervention: a donor-beneficiary relationship has led to a dependency syndrome. At times, there has not been enough emphasis placed on activities which can yield income and raise people's self-esteem. From the perspective of young people, welfare measures give rise to a degree of ambivalence:

> "The coercive use of welfare legislation has decreased in most jurisdictions in recent years. One witness noted that, for the most part, children at risk are no longer dealt with as uncontrollable or exposed to moral danger. Instead, they are now more often ignored, at least until they come into conflict with criminal law. There has been a move from child saving to child blaming. Coercive powers of the kind described nevertheless warrant attention. For most homeless young people, the dominant image of the welfare remains coercive, with the consequence that they avoid assistance." 11/

13. On the other hand, various forms of youth assistance are only available to those above a certain age, leaving those under that age in a situation of limbo. 12/

14. Target-specific appraisal of the situation concerning children in Australia calls for particular attention to be paid to the Aboriginal and Torres Strait Islander peoples; their plight is often more serious than that of the rest of the population as shown by the following:

> "Although school attendance is compulsory throughout Australia between the ages of 6 and 15 years (16 in Tasmania), at the 1986 Census a large number of Aboriginal children of school age, particularly in the rural area, did not state that they were attending school. Aboriginal and Torres Strait Islander peoples' retention rate beyond compulsory schooling is also comparatively low. In 1986, 9 per cent of Aboriginal and Torres Strait Islander people aged 15 years and over stated that they had post-school qualifications, compared to 26 per cent of all Australians aged 15 years and over." 13/

15. In examining the plight of these children, historical antecedents with repercussions for today's children cannot be ignored as noted by a recent report:

> "Economic and social marginalization of Aboriginal and Torres Strait Islander peoples is a direct result of past dispossession and dispersal. The experience of Aboriginal and Torres Strait Islander peoples has been of persistent and ongoing discrimination by

non-Aboriginal society. Remedies, including legal avenues for redress, began to be available from the late 1960s, and the need for their continued availability is recognized by the Government. ... The Government acknowledges the huge social and economic costs created by previous policies which led to wholesale institutionalization and forced relocation of Aboriginal people to the fringes of towns and into urban centres with often disastrous consequences for Aboriginal and Torres Strait Islander cultures, identity and self-esteem." 14/

16. Historical antecedents coupled with contemporary economic deprivations take their toll among Aboriginal families and their children, resulting in disintegration and alienation. The following observations illustrate the situation:

"Only one-third of Aboriginals of working age (15 years and over) are employed, compared with nearly two-thirds of other Australians of working age;

The Aboriginal employment that does exist is concentrated in lower-skilled and lower-paying jobs that are frequently casual, temporary or seasonal, or jobs that are disappearing from the labour market;

Aboriginal unemployment is at least five times the national unemployment rate;

Nearly one-third of all Aborigines of working age are dependent on the unemployment benefit for income, six times the national rate;

The income of Aboriginal people are, on average, almost half that of other Australians." 15/

17. The dispossession felt by the Aboriginal and Torres Strait Islander peoples is underscored by the land issue, particularly the fact that others have deprived them of the land that was originally theirs. The problem is much more than a question of who owns or possesses the land as a material element. To the Aboriginal and Torres Strait Islander peoples, the land itself has non-material, cultural and spiritual values which have direct impact on the community and ultimately the development of families and children.

18. The protection of children in such a setting is interwoven with the return of land to that community, since it is the control of the land and involvement in activities thereon which would help to regenerate the social web for the development of families and their children. For this reason, it is important to note the recent landmark court decision, Mabo vs. State of Queensland, whereby the High Court recognized the continued existence of indigenous title in the Murray Islands of the Torres Strait and rejected the terra nullius principle which had been the underpinning for colonization of Australia. 16/

19. A shift in national policy has moved towards attenuating many of these problems. The establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1989 demonstrates the orientation towards greater

self-management and self-determination for the Aboriginal and Torres Strait Islander peoples. There are continuing negotiations for the return of land to aboriginal communities through various land councils. The role of aboriginal non-governmental organizations, such as the Aboriginal Child Care Agency and Yuddika, has also increased with governmental and other support. However, the dilemmas facing many families and children remains daunting and requires even stronger measures and commitment both to prevent and remedy their plight.

B. Laws, policies and practices

20. It should be noted that the laws, policies and practices concerning the sale of children, child prostitution and child pornography in Australia should be seen from a multi-layered perspective. First, there is the federal level. Evidently, the role of the Commonwealth Government as the federal entity, and its laws and policies, are mostly connected with issues transcending the immediate jurisdiction of States. In regard to the sale of children, child prostitution and child pornography, this is linked with international agreements and transnational aspects (between Australia and other countries), such as recognition of adoptions executed abroad and inter-country adoptions, immigration and customs laws. In this regard, it should be noted that Australia is a party to various international treaties which have a bearing on these issues. These include the Convention on the Rights of the Child of 1989, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the International Convention on the Suppression of the Circulation of and the Traffic in Obscene Publications of 1923 and a number of International Labour Organisation Conventions.

21. The deeds of Australians abroad which may be tantamount to the sale of children and the exploitation of child prostitution and child pornography can be countered by the Federal Government liaising with other countries to protect children. This poses an interesting extra-territorial challenge for the future: to what extent will the national system incriminate the action of Australians abroad when it involves the exploitation of children in other countries?

22. In the area of welfare support, the federal administration has both a substantive and a joint role with state administrations to provide for a variety of needs expressed by various groups at the local level.

23. The state level is most closely associated with the laws and policies to be dealt with below. It is this level which provides for the majority of criminal and civil laws affecting children in difficulties under this mandate. Thus, state adoption laws, anti-surrogacy and organ transplantation legislation, anti-prostitution and anti-pornography laws, coupled with relevant policies, interplay most directly with the issues of the sale of children, child prostitution and child pornography. As will be seen later, not all the laws found in the various states take the same position on these issues; some states are more dynamic than others. In terms of a mechanism to interlink between federal and state systems, there is a National Child Protection Council which monitors instances of child abuse.

24. It may be added that often in the dialogues undertaken by the Special Rapporteur during his visit to Australia, a question arose as to what extent there should be comprehensive federal laws on child protection to override or fill in the lacunae of current state legislation. In the absence of such federal laws, what room is there for greater harmonization of state laws and policies to ensure a degree of uniformity?

25. There is also the level of culture-specific law, particularly Aboriginal customary law and local practices which should be borne in mind. The debate as to the extent of recognition of Aboriginal law and practices in Australia is ongoing, and this report does not claim to be cognizant of all the recent developments. Suffice it to note that, in several areas of concern dealt with below, the sentiments of the Aboriginal and Torres Strait Islander peoples, and their laws and practices, are being recognized increasingly as key determinants in law- and policy-making.

II. SALE OF CHILDREN

26. This heading is divided into the following areas under the Special Rapporteur's mandate: (a) adoptions for commercial purposes; (b) exploitation of child labour; (c) sale for organ transplantation; (d) and other forms of sale.

A. Adoptions for commercial purposes

27. Looking to the historical antecedents, it should not be forgotten that in the nineteenth century various policies caused the forced transfer of thousands of Aboriginal children from their families to the non-aboriginal community. The following is indicative of the traumatic experience witnessed throughout the years of displacement:

> "Early frontier ... intervention across Australia consistently attempted to separate young Aborigines from their families because they were seen as most vulnerable to cultural indoctrination and could be used as hostages to maintain Aboriginal adult cooperation. ... Children of convict mothers were separated from them and placed in 'orphan' homes to facilitate employment of their mothers (and often their fathers) on remote pastoral runs. The policies of these orphanages were to separate parent and child as much as possible, with parents discouraged from communicating with their children once they had 'signed them over'." 17/

28. The advent of the paternalistic Aborigine Welfare Board and powers conferred upon it to forcibly transfer children from Aboriginal families at the turn of this century aggravated the situation, as follows:

> "Under the new legislation of 1909, children could be removed without their parents' consent only if they were found by a magistrate to be 'neglected'. To the Board's officers, the most useful part of the official definition of 'neglect' was the part dealing with children having 'no visible means of support or fixed place of abode'. Thus parents who were forced to leave Aboriginal stations, or who left their houses on reserves voluntarily in order to retain their children, might

> be brought before a magistrate for neglecting their children. ... The Board's efforts were rewarded with an Amendment to the Act in 1915 which stated that any Aboriginal child might be removed without parental consent if the Board considered it to be in the interest of the child's moral or physical welfare. It was up to the parents to show that the child had a right to be with them, not the other way round." 18/

29. Increasingly, it became clear that the Board did not have the capacity to house all the children under its auspices. In the 1950s, therefore, more emphasis was placed upon transferring Aboriginal children to foster-parents. These practices ended in the 1960s.

30. The consequences of these forced transfers of children from their families cannot be underestimated in terms of the hardships suffered by the Aboriginal community and the social dislocation experienced by many generations. A current concern is the availability of facilities to help Aboriginal children trace their family origins and return to the community. Various facilities, such as LINK-UP, are now provided by non-governmental organizations, and need to be maximized.

31. These facts indicate partly why the Aboriginal community is sceptical towards contemporary laws, policies and practices on adoptions. The community's system of extended families and the perception that the child belongs to the community differs from notions of adoption inherent in state laws which recognize a legal transfer of filiation from the original family to the child's adoptive family.

32. Turning to the contemporary setting, it may be noted that there is a shortage of Australian children available for adoption. Thus there has been a rise in inter-country adoptions in recent years. In Australia's reply to the Special Rapporteur's questionnaire on the sale of children, it is stated that "unauthorized placements for the purpose of adoption occasionally occur. However, it is rarely possible to show reward or compensation". 19/ The following problems are noted:

> "Many cases escape attention due to the falsification of birth records by the parties;
>
> Time lapse between placement and the authorities' knowledge of it makes removal of the child and prosecution of the parties undesirable as bonding and attachment may have arisen;
>
> Difficulties in proving fee or reward;
>
> Jurisdictional problems between state and federal law, and the circumvention of adoption and fostering laws through custody orders in the Family Court." 20/

33. In general, all states have laws concerning adoptions with various procedures to protect the child from being sold, including provisions

prohibiting, offering or taking payment or reward for offering a child for adoption. 21/ The relevant state laws include the following:

New South Wales: Adoption of Children Act 1965; Children (Care and Protection) Act 1987; Crimes Act 1900

Victoria: Adoption Act 1984

Queensland: Adoption of Children Act 1964

South Australia: Criminal Law Consolidation Act 1935

Western Australia: Criminal Code

Tasmania: Adoption of Children Act 1968; Adoption Act 1988

Northern Territory: Adoption of Children Act 1979

Australian Capital Territory: Adoption of Children Act 1965; Crimes Act 1900.

34. An innovation being discussed broadly is how to overcome the past "secrecy regime" surrounding the identity of the natural parents and adoptees. For example, in the Australian Capital Territory:

> "Where an adopted person is below 18 years, they will only be allowed access to identifying information (such as name, birthdate and occupation) with the consent of the adoptive parents and the natural parents. Where an adopted person is above the age of 18, and where an Information Veto has not been lodged by the adoptee or a natural parent, access to birth certificate and other identifying information will be allowed. Where an Information Veto has been lodged, access to this information may be allowed if the Director of Family Services can contact the Vetoer who agrees to lift the Veto." 22/

35. More specifically, on the interrelationship between the current adoption law and the concerns of the Aboriginal community, various states, such as Victoria, have incorporated or are now incorporating child placement principles reflecting Aboriginal preferences for the extended family and long-term fostering within the community rather than adoptions. Queensland is now in the process of incorporating the following principles:

> "6.1. All children (regardless of culture) should be maintained within their own family and community environment. Aboriginal children and Torres Strait Islander children have a right to access their own families and culture, as a matter of principle and of human rights. Their heritage is one of unique kinship ties and cultural traditions.
>
> "6.2. Previous practice allowed easy entry of Aboriginal children and Torres Strait Islander children into the formal welfare system. Most if not all children were placed away from their immediate family, extended family, community and culture, and reunion with parents and/or relatives was extremely difficult. Children tended to drift into the

alternative care system. Present policies aim at linking children in alternative care placements back with their families and communities and to increasing the children's self-esteem and sense of cultural identity.

"6.3. In the event of an alternative care placement ... an Aboriginal child must be placed where at least one of the care providers is Aboriginal and a Torres Strait Islander must be placed where at least one of the care providers is a Torres Strait Islander.

"6.4. Where Aboriginal and Torres Strait Islander children cannot be maintained with their immediate families, members of the child's extended family will often assume this responsibility without the involvement of external welfare authorities." 23/

36. With regard to intercountry adoptions, states have moved towards regulating private adoption agencies through a system of licensing; national guidelines concerning intercountry adoptions have been adopted by the Social Welfare Ministers of each state. Western Australia, Australian Capital Territory and the Northern Territory now have new legislation compelling registration of adoption agencies. The entry of children adopted in these situations is dependent upon federal law, particularly the 1946 Immigration (Guardianship of Children) Act as follows:

"The Commonwealth Government will grant a visa where satisfied that the adoption requirements of the State to which the child is going are satisfied and will refuse a visa where those requirements are not satisfied. Legislation also deals with the guardianship of the child in the intervening period before the State adoption is finalized. The Federal Minister is to be the guardian of the child until that event occurs." 24/

37. Because the procedures are strict, there have been a number of attempts by individuals to bypass the law by going abroad to look for children and then returning to the country with them. This is compounded by those who finalize the adoption process abroad - at times illegally or through underhand dealings - with the hope that this will be recognized in Australia. In various states such as Queensland, South Australia and Tasmania, an adoption order made overseas has the same effect as an adoption order made in these states subject to various safeguards. Malpractices which have arisen overseas have led to the following position:

"The problem in the past had been that of Australian citizens going to an overseas country and obtaining an adoption order in that country and then returning with the child to Australia. Australia felt at times that the criteria applied to that adoption were not satisfactory. Consequently, the present situation in Australia is that such adoptions will not be recognized and that the child would normally not be permitted to enter Australia unless the parents had lived in the overseas country for a minimum period of 12 months." 25/

38. On another front, abuses concerning the transfer of children may arise sporadically in the context of other practices which are not tantamount to adoptions. Circumvention of the various adoption laws may take place in the setting of custody and guardianship procedures which fall under federal law and the Family Court rather than state jurisdiction. Various sponsorships for children to come from abroad may be a cloak for malpractices. For instance, one recent case along these lines concerned an Australian who had sponsored a Kenyan child to come to Australia for sexual purposes.

39. A related issue which may give rise to the sale of children is the use of in vitro fertilization (IVF) and surrogacy, namely "the buying and selling of women who are traded as commodities and rented uteruses for purposes of breeding". 26/ It is well-known that Australian technology is highly advanced in regard to reproductive engineering. However, the dangers of unethical use of such technology have led to curbs imposed by various states on surrogacy, e.g. in Queensland, South Australia and Victoria.

40. A recent case in Queensland illustrates the tenuous line between adoptions and surrogacy. The facts concerned two persons who had entered into a contract for the illegal adoption of a child in breach of the Queensland Surrogate Parenthood Act 1968. 27/ The allegation was that defendant A had reached an agreement with defendant B to sell her child to the latter for a substantial fee. The latter had feigned pregnancy by wearing a gradually increasing padding beneath her clothing for nine months. Both were caught by the police.

41. Some Australian individuals have tried to circumvent the law by going overseas to hire surrogate mothers, particularly to the United States. A question for the future is to what extent the national prohibitions can be extended extra-territorially to prohibit surrogacy arrangements organized by Australians abroad. On the home front, those states which do not yet have comprehensive anti-surrogacy laws may bear in mind the recommendations of the 1991 Australian National Conference on Surrogacy which advocate the following:

> "Surrogacy in any form, commercial or non-commercial, should be discouraged and the following measures apply:
>
> (i) surrogacy arrangements should be null, void and illegal - and unenforceable as contrary to public policy;
>
> (ii) advertising should be prohibited and a penalty apply;
>
> (iii) exchange of money/payment should be prohibited and a penalty apply;
>
> (iv) people acting to facilitate/arrange surrogacy agreements (including doctors, lawyers, etc.) should be prohibited and a penalty apply;
>
> (v) reproductive technology/IVF programmes or procedures should be prohibited from assisting surrogacy and a penalty apply;

(vi) Medicare rebates should not be available to those involved in surrogacy;

(vii) medical practitioners knowingly involved in or assisting surrogacy should be guilty of professional misconduct." 28/

B. Exploitation of child labour

42. In the Australian reply to the Special Rapporteur's questionnaire on the Sale of children, it is stated that "there is no evidence of the sale of children for purposes of labour". 29/

43. Past forced transfers of Aboriginal children from their families, as previously mentioned, led to a number of placements of children as "apprentices" and domestic workers, at times resulting in child exploitation. During the visit of the Special Rapporteur to Australia, several sources indicated that exploitation of child labour takes place - albeit in a veiled manner - among various migrant communities, particularly where the children are used excessively to help in family businesses. Various enterprises prefer to use young persons in their services precisely because their wages are lower and the temporary nature of their services implies less bargaining power in terms of work conditions and freedom of association.

44. It is uncertain to what extent the sale of foreign girls under 18 years of age has taken place in the context of Australians marrying young women from overseas. It was evident during the Special Rapporteur's visit that a number of children had been used to perpetrate crimes, at times at the instigation of adults. The crimes ranged from burglaries to the sale of drugs.

45. Australia is not yet a party to the Minimum Age Convention, (1973) (No. 138) of the International Labour Organisation which stipulates 15 as the minimum age for employment. State laws in Australia are not uniform, and the protection of children from exploitative labour depends much upon laws providing for compulsory schooling, usually until the age of 15. The presence of specific laws and policies on child labour varies by state. For instance, in the Australian Capital Territory, in addition to the Education Act 1937 stipulating 15 as the minimum age for a child to leave school, the Children's Services Act 1986 provides that a child may not be employed in hazardous employment. In Victoria, the Community Services Act 1970 prohibits employment of those under 15 without the permission of the Department of Labour. In Western Australia, although the minimum age for leaving school is 15, the administration is empowered to exempt children who are 14 years of age from the stipulation.

46. A key loophole is that while state laws prohibit employment during school hours for those of compulsory school age, they do not prohibit work undertaken by children after school hours or during holidays. Moreover, comprehensive legislation is lacking on the types of work - light work and hazardous work - for children between the age of 15 and 18. This diverges from ILO Convention No. 138 mentioned above which calls for the categorization of the types of work affecting children's welfare and development.

47. In some jurisdictions, the lack of laws is attenuated by policy guidelines. For example, in Western Australia, there are national guidelines on children employed in the entertainment industry. These include the hours of work permitted and a degree of scrutiny from the state authorities. When a child is employed on a long-term contract basis, a tutor is also required to supplement the child's education.

48. The inconsistencies between state laws and international law on this matter deserve attention. This is also an area where law and policy reform, either based upon an overriding federal framework and/or harmonization among state jurisdictions, can assist in improving the situation at the state level.

C. Sale for organ transplantation

49. In the Australian reply to the Special Rapporteur's questionnaire on the sale of children, it is stated that "there is no evidence of sale of children for purposes of organ transplantation". 30/

50. The assessment represents the current situation. A caveat which may be lodged for the future is that there is at times a tenuous distinction between the sale of human organs and that of the reproductive system. The implications for IVF and surrogacy are self-evident and have already been dealt with.

51. Laws on organ transplantation have been adopted in various states and these provide protection for children. They include the 1983 Human Tissues Act of New South Wales, the 1982 Human Tissues and Transplantation Act of Western Australia, the 1978 Transplantation and Anatomy Act of the Australian Capital Territory, and the 1983 Transplantation and Anatomy Act of South Australia. Generally, they prohibit trade in tissues; and the donation of non-regenerative tissues by children is forbidden. The Australian Code of Practice for Transplantation of Cadaveric Organs and Tissues has established additional procedures for removal of organs for transplantation. In future, it is hoped that all states will adopt legislation and policies to prohibit the sale of human organs and tissues, and provide protection for children in conformity with the guidelines of the World Health Organization. 31/

D. Other forms of sale

52. Are there other forms of child exploitation tantamount to the sale of children? One problem raised by various sources during the visit of the Special Rapporteur to Australia was the situation of children used in abusive satanic rituals. There were both allegations and rebuttals. Contrasting appraisals include the following:

> "Reports are coming from many countries of children being ritually abused in the most painful, degrading and evil way. It would be nice if it were not happening in Australia but it is." 32/
>
> "Working with the children and their families it became apparent that they were reporting experiences of a similar nature and often shared experiences. These experiences included alleged perpetrators wearing wigs, masks, and costumes, the children having experienced sexual and

physical abuses, and having observed animal and child sacrifice. All children had been, and to a large extent, were afraid, that if they told of their experiences that their younger siblings, parents or pets would be hurt or even killed. The children believed that the alleged perpetrators would know when they were talking about the abuse because of objects given to the children, such items as jewellery, special stones, etc. which had magical powers controlled by the perpetrators." 33/

"It is common knowledge that fringe groups exist which practise unorthodox though not necessarily illegal activities. Physical evidence of those groups is commonplace, e.g. bush sites are often found where ceremonies have been held; groups publish literature which can easily be obtained, and many such groups actively recruit members ... What is lacking is the hard evidence on the scale one would expect to find if the activity was occurring in the magnitude alluded to by the survivors." 34/

53. The situation becomes even more intractable where the allegations concern the parents themselves who push their children into these practices. While the issue remains opaque, one should be on guard against various cults which may exploit children for these purposes.

III. Child prostitution

54. Adult prostitution is not dealt with in the present report. Rather, attention is paid to child prostitution which is generally illegal in all countries. This position is bolstered by the Convention on the Rights of the Child to which Australia has acceded.

55. The issue may be seen from two perspectives: first, the range of children in prostitution on Australian territory; secondly, the activities of Australians overseas which lead to sexual exploitation of children in other countries.

56. The root causes of child prostitution in Australia are multiple. The following are identified by the Australian reply to the Special Rapporteur's questionnaire on the sale of children:

"Children's lack of personal power;

Children's lack of socialization or living skills;

Economic difficulties, such as unemployment and lack of food and accommodation, for the child and/or his or her family;

Family breakdown;

Lack of support persons to help provide and promote alternative lifestyles;

Previous involvement in criminal activity;

Abuse by adults." 35/

57. Child prostitution is on the rise in city areas and official statistics do not give the complete picture, as can be seen by the following:

> "Official police and court records underestimate the incidence of prostitution among young people. In 1984, (in Melbourne) only 4 young people were charged with the criminal offence of prostitution. In contrast, the actual involvement of young people in prostitution is much greater ... Most young people involved in prostitution appeared in court not on prostitution charges but on charges for other criminal offences, e.g. property offences ... Records indicate substantial involvement in drug use." 36/

58. At times, there is a close link with child pornography and substance abuse. There are also reports that a number of Asian women, perhaps under 18 years of age, are brought to Australia on visitors' visas for purposes of sexual exploitation. The situation is all the more disquieting because of the spread of AIDS through sexual practices.

59. In all State jurisdictions in Australia, child prostitution is illegal. However, the age threshold for protection of children ranges between 16 and 18; in most cases there is protection for children under 16 years of age, but in some situations the protection is raised to cover those under 18 years of age. The State laws include the following:

Victoria: Prostitution Regulation Act 1986

South Australia: Criminal Law Consolidation Act 1935

New South Wales: Crimes Act 1900

Western Australia: Criminal Code

Northern Territory: Criminal Code

Queensland: Criminal Code; Children's Services Act 1965-1989

Australian Capital Territory: Crimes Act 1900

Tasmania: Criminal Code

60. The provisions under these laws include protection of children from unlawful sexual intercourse, carnal knowledge, abductions, procuration for prostitution and indecent treatment.

61. These laws are remedial in approach and do not address the root causes referred to earlier. The latter would depend upon interdisciplinary, preventive measures to tackle such problems as economic difficulties and

family breakdown, e.g. anti-poverty action and social support facilities and subsidies. More directly, on the question of law enforcement, there are a number of obstacles including the following:

> "Difficulties for children in disclosure;
>
> The financial rewards of prostitution;
>
> Problems associated with children as witnesses in the prosecution of adults;
>
> Lack of community awareness of the extent of the problem." 37/

62. In regard to innovations, there is currently discussion in various states to liberalize the rules of evidence in these situations. In the past, prosecutions against alleged exploiters of children were hampered by various rules requiring the corroboration of a child's evidence. There is now an orientation towards discarding the requirement of corroboration, e.g. in Western Australia. Various states have also set up special units to deal with the sexual exploitation of children, thereby, indicating the need to foster expertise to counter this problem. The question whether to raise the age threshold for protecting children from sexual exploitation to the age of 18 years in all states, in keeping with the definition of "child" under the Convention on the Rights of the Child, is worth exploring in the future.

63. The problem of transnational exploitation of children, particularly in the context of those Australian individuals who go overseas to exploit children, is recognized by the authorities and is interrelated with paedophilia. This is illustrated by the following:

> "In recent months, a joint Child Exploitation Unit/Australian Customs operation uncovered a number of prominent male offenders involved in an international boys' association who were travelling to both Thailand and the Philippines and having sexual liaisons with Asian boys, the same age as those normally committed to their care in the youth organisation ... Given the low cost of labour generally in Asia, a holiday for an average Australian tourist can be very cheap if not competitive with having a holiday within Australia. Unfortunately, what has emerged in the tourist boom period is the market for children to become prostitutes and be at the whim and call of the wealthy westerners." 38/

64. There is now a Federal Government proposal to charge Australians who indulge in such behaviour even though the crimes take place outside Australia. This is in line with various countries which are extending extra-territorially their jurisdiction to encompass the misdeeds of their nationals abroad.

65. The Australian federal police has liaison teams in Thailand and the Philippines which can be used to monitor the situation. There is also a strong non-governmental movement against sex tourism in Asian countries. This is highlighted by the work of the End Child Prostitution in Asian Tourism (ECPAT) campaign which has mobilised the Australian public against those who

are customers of sex tourism overseas. This underlines the call for pro-active measures to deal with prevention and cure, and to tackle both the supply and demand sides of child prostitution.

IV. Child pornography

66. The issue is closely related to child prostitution, as one may lead to the other. There is the challenge of the domestic market as well as transnational implications. The types of exploitation vary from individual practices to more organized networks. As noted in the Australian reply to the Special Rapporteur's Questionnaire on the Sale of Children:

> "Child pornography is found in books, films and video tapes. It appears that paedophiles tend to take their own photographs of children and keep them in personal collections." 39/

The root causes include:

> "Lack of moral values,
> Selfishness,
> Low self-esteem." 40/

67. There is a joint role of the federal system and state jurisdictions in preventing and eliminating child pornography. The former exercises its powers to scrutinize incoming material by means of the 1901 Customs Act and Customs (Prohibited Import) Regulations and the 1942 Broadcasting Act. State laws complement federal laws as follows:

New South Wales: 1901 Crimes Act; 1987 Children (Care and Protection) Act; 1984 Film and Video Tape Classification Act; 1975 Indecent Articles and Classified Publications Act;

Victoria: 1958 Police Offences Act; 1990 Classification of Films and Publications Act;

Queensland: 1947 Censorship of Films Act;

South Australia: 1971 Film Classification Act; 1974 Classification of Publications Act; 1953 Summary Offences Act; 1978 Criminal Law (Prohibition of Child Pornography) Act;

Western Australia: 1902 Indecent Publications Act;

Tasmania: 1984 Classification of Publications Act; 1977 Restricted Publications Act;

Northern Territory: 1985 Classification of Publications Act; Criminal Code;

Australian Capital Territory: 1958 Objectionable Publications Ordinance; 1983 Classification of Publications Ordinance; 1900 Crimes Act.

68. Generally, state legislation prohibits production, publication, sale, distribution and exhibition of child pornography, while federal laws forbid the importation or broadcasting of child pornography. The age threshold used for protecting children is 16: the laws protect those under 16 years of age from exploitation through pornography. The content of the various laws is not uniform, as seen in this statement:

> "Coverage of the various laws varies according to jurisdiction. Generally speaking, State and Territory laws, and Commonwealth customs laws, apply to printed matter, film and videos. Whether they also cover computer programmes may depend on the definitions of 'film' and/or 'publication' in each jurisdiction. The Commonwealth Broadcasting Act applies to radio and television ... So far as can be ascertained, it appears that the laws are reasonably effective at present." 41/

69. Various jurisdictions do not yet prohibit possession of child pornography, e.g. in the Northern Territory. Or there may be a prohibition vis-à-vis videotapes but not vis-à-vis publications, e.g. in Western Australia. However, there is a move towards reforming state laws to incriminate those in possession of child pornography whether in regard to videotapes, films or publications. In June 1992 all Australian State Police Ministers agreed to a total prohibition of possession of child pornography, whether for sale, display or personal use. The police have also established a national database to record paedophile activity, including any connections with organized crime, and the various jurisdictions are being invited to promote information exchange.

70. An additional loophole deserving attention is the lack of mandatory reporting by film processors when they see child pornography:

> "It is of concern that there is no mandatory reporting provisions in Victoria for film processors who encounter child pornography. Investigators rely solely on the cooperation of film processors to report cases of child pornography. It is obvious that without legislation, unscrupulous film processors will continue to develop child pornography and many cases of child sexual assault either in Australia or overseas will go unreported." 42/

71. Transnational aspects of child pornography have come to the fore in recent years. One example is as follows:

> "In January 1992, a major child pornography distribution racket was uncovered in Victoria. Documents seized showed that the two principal players in the operation were also attempting to set up a child pornography manufacturing and distribution network to be based in Manila using Filipino children and the films smuggled into Australia for reproduction and sale through Australian and international contact magazines." 43/

72. As Australia already has links with law enforcement personnel in various countries, including placement of Australian police personnel in other

countries, these can be maximized to monitor potential abuses. The possibility of extending Australian jurisdiction to cover the acts of Australians overseas may also be considered for the future.

V. OBSERVATIONS

73. In retrospect, it may be observed that although Australia ranks high in the international development classification, there are several issues affecting children and their families which remain disconcerting; instances of the sale of children, child prostitution and child pornography can be found whether in Australia or in the context of Australian individuals operating overseas. These reflect the consequences of historical antecedents as well as more recent dilemmas.

Key challenges calling for attention

74. There is no comprehensive policy concerning the welfare of children and their families at the federal level. There is no central federal agency dealing with children's rights.

75. In regard to the protection of children, the interrelationship between the federal, state and customary systems remains unclear. Although many of the issues concerning children's rights are considered to fall within the domain of state jurisdiction and law, the possibility of promoting more federal action may be considered as a complement to the state level. Should there be a federal code on youth/children's Rights?

76. Even if the possibility is rejected, the diversity of laws found in different states at present indicates an absence of uniformity. From another angle, the approach of customary law in relation to children's rights has only been partly incorporated at the state level, e.g. aboriginal child placement principles referred to above. Child protection calls for combined contributions from the federal, state and customary systems.

77. Although there are various human rights mechanisms within the country, the idea of mechanisms dealing specifically with child protection has yet to be explored. This entails, for example, the possibility of children's commissioners or ombudspersons at both the state and federal levels.

78. There is a concentration of child-related facilities in urban areas, but insufficient services in rural and remote areas. This has negative consequences for those inhabiting these areas, particularly the Aboriginal and Torres Strait Islander peoples. In urban areas, facilities are at times deficient or inaccessible to homeless children. The support system provided to families so as to enable them to remain together rather than break up is available to some extent, but it is inadequate. At times the welfare offered is based upon a passive donor-beneficiary relationship rather than active human development.

79. Although there is a plethora of laws at the state level which interrelate with the issues of the sale of children, child prostitution and child pornography, they tend to be remedial by nature. Prevention requires not only

relevant laws but also an integrated support system to attenuate poverty, economic hardships, community and cultural dislocation, family disintegration, domestic abuse and homelessness.

80. Although a welfare system and social security benefits exist in the country, they are not sufficiently targeted to promote a preventive strategy, in particular, development based upon raising people's self-esteem and activation. The latter depends less upon social security grants, but more upon educational access, alternative and income generating occupational activities, availability of loans and facilities for self-employment, related family and child subsidies, and individual/community participation.

81. In recent years, the issues of the sale of children, child prostitution and child pornography have become increasingly transnational. The field of application of local laws and policies is too limited. This raises the possibility of extending national jurisdiction to cover the acts of Australians overseas. It also indicates the need for more cooperation between Australia and other countries to monitor abuses.

82. Youth and child participation in the formulation of laws and policies affecting their well-being is still limited. There are not enough forums where youths and children of different ethnic groups can come together to undertake joint activities and learn to interact.

83. The law enforcement system has too few representatives from the Aboriginal and Torres Strait Islander peoples and from the diversity of migrant groups on Australian territory. Police action may also need to be more focused on child-related issues; the presence of specific child protection units has been welcomed in several states and is an example for other states.

84. While inter-state consultations on various aspects of children's rights have developed in recent years (e.g. among the police in tackling paedophilia), long-term inter-state consultations on the gamut of children's rights as propounded by the Convention on the Rights of the Child and adequate budgetary allocations are still lacking and may need to be explored in the future.

VI. RECOMMENDATIONS

A. General

85. More attention should be paid to the need to prevent the sale of children, child prostitution and child pornography and to address their root causes. On the one hand, this depends upon integrated and interdisciplinary action to tackle economic deprivations, cultural alienation, and family break-up and breakdown. The measures to be maximized include pro-active human development activities and support facilities, such as access to education and training, income generating occupations, availability of loans and credit for self-employment, support for self-management, child and family subsidies and maximization of their participation at all stages of the development process.

86. There is a close relationship between the above and the need to return land to the Aboriginal and Torres Strait Islander peoples so that they can use it to regenerate community participation. However, prevention calls for more effective monitoring and law enforcement against criminal elements seeking to exploit children nationally and internationally.

87. Both the supply and demand sides of child exploitation need to be dealt with in a more coordinated manner. Of particular concern is the responsibility of the customers of child exploitation, as well as that of intermediaries and suppliers. There is a need to encourage private sector participation so as to exert pressure on industries to safeguard against child exploitation.

88. Information gathering on issues of child exploitation should be improved continually, especially as much of this work is not publicised. The catalytic Australian report Our Homeless Children should be updated. Statistics should be collected more extensively on the issues of the sale of children, child prostitution and child pornography. Data need to be disaggregated so as to highlight gender variations and the problems relating to different groups in Australia.

89. The interrelationship between laws, policies and practices relating to children's rights in the federal, state and customary settings should be analyzed more closely, and a compendium on these matters should be compiled.

90. The multicultural nature of Australian society attests to the need for greater participation from all sectors of the community in preventing and remedying the problems of concern to this study. The issues of child abuse and exploitation should be raised more visibly in all communities and in the educational process so as to improve public awareness of the dangers that may lurk for children. Multilingualism in collecting and disseminating relevant information, and training on the different cultures existing in Australia should also be promoted.

91. Comprehensive policies, laws and mechanisms on child protection at the federal, state and local levels are desirable. The possibility of a federal code on youth and children's rights and related federal policy and the appointment of a federal minister on child and youth affairs may be explored. The mechanisms which may be tendered for the future include children's ombudspersons, inter-state consultative forums, youth/child participatory councils, local committees on children's rights, neighbourhood watch, and cross-cultural watchdogs for child protection.

92. Law enforcement authorities should establish specific child protection units. They should be trained to respond to the range of the rights of the child espoused by the Convention on the Rights of the Child and the various cultures that interplay with these rights. The participation of the Aboriginal and Torres Strait Islander peoples, migrant groups, and women in the police force should be encouraged. Dialogues between the police and representatives of community groups and the children themselves should be enhanced.

93. Interaction between government authorities, community leaders, and non-governmental organizations should be promoted to prevent and remedy the negative situations covered in this report. This includes the need to maximize the role of elders in the Aboriginal and Torres Strait Islander communities. The fact that many grandparents are now looking after their grandchildren, where the parents are absent or unable to do so, invites further cooperation with and support for grandparents to assist and protect their grandchildren.

94. Protection of children from exploitation is closely associated with respect for women's rights. Stronger measures are desired to counter the vestiges of gender discrimination which are detrimental to both women and children. These include action against domestic violence and alcoholism, the need for responsible parenting, and sharing by both parents in looking after children.

95. Cooperation with the mass media should be maximized, especially as they may assist in identifying cases of child exploitation and in mobilizing the community against the perpetrators. The potential of multilingualism in relation to use of the mass media in order to reach out to the different sectors of the community may also be explored.

B. Sale of Children

96. The possibility of enacting new laws, or including new provisions in existing laws, against the sale and trafficking of children should be considered at the federal and state levels.

97. Measures should be taken to remedy the consequences of forced transfers of Aboriginal children from their families. These include support for children to trace their families and facilities to enhance family reunification. Aboriginal attitudes towards adoptions should be borne in mind and child placement principles reflecting Aboriginal culture should be recognized by all states.

98. The federal and state systems should ensure that private adoption agencies are registered and that effective procedures are in place against commercialization of intercountry adoptions. They should bear in mind international developments, particularly under the auspices of the Hague Conference on Private International Law, to finalize an international convention on intercountry adoptions. They should promote bilateral and other arrangements with the source countries so as to prevent the sale of children through intercountry adoptions. Development aid may also be given to families in the source countries so as to enable them to retain their children.

99. States should endeavour to harmonize their adoption laws and policies in keeping with the standards set by the Convention on the Rights of the Child. Cooperation with the federal authorities and foreign counterparts should be improved so as to ensure that malpractices do not take place when Australians complete the adoption process abroad and seek to have it recognized in Australia.

100. Precautions to prevent abuses which may arise from guardianship orders and sponsorships are required, as these are sometimes used to circumvent adoption laws and procedures. More study of "adoption-like" practices is recommended.

101. States should pass anti-surrogacy legislation. They should liaise with the federal authorities to prevent Australians from entering into surrogacy arrangements overseas. This is an area where extra-territorial application of laws may be recognized in the context of Australians seeking to bypass local jurisdiction.

102. The possibility of acceding to the ILO Minimum Age Convention, 1973 (No. 138) concerning child labour should be canvassed. This should be coupled with the adoption of comprehensive laws and policies in all States to prohibit the exploitation of child labour. The provisions should include minimum age, classification of prohibited work, work conditions and remedies for violations by employers. More preventive, remedial and integrated measures are required to protect children from being used in criminal activities, such as burglaries and the sale of drugs. A study on the employment of children in family businesses among migrant groups is also recommended.

103. States should adopt effective laws and policies on organ transplantation with specific provisions to protect children from exploitation. The guidelines established by the World Health Organization on this matter should be taken into account.

C. Child prostitution

104. States should ensure that they address the root causes of child prostitution by means of the integrated and interdisciplinary measures noted above, as well as provide redress through appropriate sanctions, legal aid and assistance.

105. States should harmonize their laws and policies on child prostitution so as to be consistent with each other. The possibility of protecting children from prostitution until the age of 18 may be explored, and this would be in keeping with the definition of "child" offered by the Convention on the Rights of the Child.

106. Improved law enforcement against the customers of child prostitution is advocated as is the need to apprehend the intermediaries. In the context of transnational sexual exploitation, the possibility of incriminating the acts of Australians overseas is proposed.

107. Greater cooperation and information exchange through formal and informal channels between the receiving countries and sending countries are required.

The recommendations of the recent National Conference on Child Prostitution in Asian Tourism, held in Melbourne in November 1992, should be supported as follows:

(a) In receiving countries:

Establishment of specialist law enforcement units;

Scrutiny of sponsorships of children which may lead to child exploitation;

Prosecution of sex offenders of children;

Monitoring and tracing of paedophiles;

Visits by law enforcement personnel from sending countries to receiving countries so as to improve coordination with law enforcement personnel, and vice versa.

(b) In sending countries:

Identification of those involved in organising sex tours;

Maintenance of files on paedophiles;

Establishment of specialized units to collect information;

Vigilance by customs officials where nationals return from abroad under suspicion of carrying child pornography.

108. There should be mandatory reporting of child abuse cases, and the rules of evidence may need to be liberalized so as not to require corroboration in these instances.

109. More education on safe sex techniques to protect young people from the threat of AIDS is called for. Support facilities such as counselling, hospices and subsidies are also needed for those with AIDS.

110. Rehabilitation measures should be promoted to assist children in prostitution to return to the community and adopt other lifestyles. This entails appropriate accommodation, counselling and psychological support, flexible schooling and occupational activities which can provide for livelihood needs. The emphasis should be on development of the child, bearing in mind cultural sensitivity, rather than welfare for the child. The role of community organizations and cooperation with community networks should be maximized in this regard.

D. Child pornography

111. State laws should prohibit the possession of child pornography, as well as their production, sale, distribution and exhibition. They should bear in mind technological advancements which may need to be tackled to prevent child pornography. The current age threshold of 16 for the protection of children

from exploitation may also need to be reconsidered in the light of the Convention on the Rights of the Child which uses 18 as the age threshold between childhood and adulthood.

112. States should require mandatory reporting by film processors where they come across child pornography.

113. The recommendations concerning child prostitution referred to above, particularly in regard to receiving and sending countries, also apply to child pornography, as the two types of exploitation are often interrelated. In this context, the possibility of extending national jurisdiction to cover the deeds of Australians overseas deserves serious consideration.

Notes

1/ For the purpose of simplification, the term "state(s)" is used in this study to cover both "states and territories". The difference between states and territories is explained in the overview section of the report.

2/ First Report by Australia: Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, 1991, p.4.

3/ Derived from Australia: Eighth Periodic Report: International Convention on the Elimination of All Forms of Racial Discrimination, United Nations Document CERD/C/194/Add.2 (19 June 1991), p.3.

4/ United Nations Development Programme, Human Development Report 1991 (Oxford: Oxford University Press, 1991), p.20.

5/ United Nations Development Programme, Human Development Report 1992 (Oxford: Oxford University Press, 1992), p.100.

6/ Ibid., p.19.

7/ I. Castles, Australian Economic Indicators (Canberra: Australia Bureau of Statistics, 1991), p.89.

8/ Select Committee on Youth Affairs, 1992 Report (Perth: West Australian Legislative Assembly, 1992), p.13.

9/ Ibid., p.12.

10/ Human Rights and Equal Opportunity Commission, Our Homeless Children (Canberra: Australian Government Publishing Service, 1989), p.99.

11/ Ibid., p.17.

12/ Ibid., p.153. For example, the Federal Youth Homeless Allowance is not available to those under 16.

13/ Australia: Second Periodic Report: Convention on the Elimination of All Forms of Discrimination against Women, United Nations Document CEDAW/C/AUL/2 (12 August 1992), p.11.

14/ R. Tickner, Social Justice for Indigenous Australians 1992-1993 (Canberra: Australian Government Publishing Service, 1992), p.14.

15/ C. Choo, Aboriginal Child Poverty (Melbourne: Brotherhood of St. Lawrence, 1990), p.50.

16/ Referred to in Social Justice for Indigenous Australians 1992-1993, op. cit., p.6.

17/ H. Goodall, "Saving the Children", Aboriginal Law Bulletin, Vol. 2 (44), 1990, p.6.

18/ P. Read, The Stolen Generations: The Removal of Aboriginal Children in New South Wales 1883 to 1969, Occasional Paper No. 1, New South Wales Ministry of Aboriginal Affairs, 1985, pp.5-6.

19/ Australian Government's Reply to the Questionnaire of the Special Rapporteur on the Sale of Children, 1992, p.3.

20/ Ibid.

21/ See further: P. Boss, Adoption Australia (Melbourne: The National Children's Bureau, 1992).

22/ Australia's First Report: Compliance with the United Nations Convention on the Rights of the Child, Australian Capital Territory Response, 1992, p.23.

23/ Source: Draft Child Placement Principles, Queensland, 1992.

24/ Fogarty J., A paper on Inter-country Adoption, paper presented at Lawasia - First Conference on Family Law and Children's Rights, Penang, Malaysia, 14-17 September 1992, p.9.

25/ Ibid., p.14.

26/ J.G. Raymond, "Surrogacy", Issues in Reproductive and Genetic Engineering, Vol. 2 (1), 1989, p.51.

27/ Source: Brisbane Police, 1992.

28/ J. Salomone, "Report on Australian National Conference: Surrogacy in Whose Interest?", Issues in Reproductive and Genetic Engineering, Vol. 5 (1), 1992, pp.79, 94.

29/ Australian Government's reply to the questionnaire of the Special Rapporteur on the Sale of Children, op.cit., p.3.

30/ Ibid.

31/ See further the section on organ transplantation in the 1992 and 1993 global reports of the Special Rapporteur on the Sale of Children.

32/ J. Spensley, "Introductory Talk", A Multi-Disciplinary Perspective on Satanic Ritual Abuse (Clayton: Monash Medical Centre, 1992).

33/ C. Crutchfield, "Groupwork with Ritually Abused Children", ibid., pp.93-94.

34/ R. Carroll, "Occult Investigation: The Police Dilemma", ibid., pp.72, 75.

35/ Australian Government's reply to the questionnaire of the Special Rapporteur on the Sale of Children, op.cit., p.8.

36/ L. Hancock, The Involvement of Young People in Prostitution, Melbourne, 1985, p.3.

37/ Australian Government's reply to the questionnaire of the Special Rapporteur on the Sale of Children, op.cit., p.8.

38/ I. Hopley, The Australian Police Role in Combating Child Prostitution in Asian Tourism (Melbourne: Victoria Police Child Exploitation Unit, 1992), p.6.

39/ Australian Government's reply to the questionnaire of the Special Rapporteur on the Sale of Children, op.cit., p.10.

40/ Ibid.

41/ Ibid., p.11.

42/ The Australian Police Role in Combating Child Prostitution in Asian Tourism, op.cit.

43/ Ibid.